

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WATERFORD TOWNSHIP POLICE & FIRE	:
RETIREMENT SYSTEM, Individually and On	:
Behalf of All Other Similarly Situated,	:
	:
Plaintiff,	:
	:
vs.	:
	:
SMITHTOWN BANCORP, INC., BRADLEY E.	:
ROCK, and ANITA M. FLOREK,	:
	:
	:
Defendants.	:
-----X	

10-CV-0864 (SLT) (RER)

STIPULATION AND [PROPOSED]
ORDER

Original filed via ECF

WHEREAS, some or all of the claims asserted in this putative class action are governed by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), which requires, among other things, that issues relating to the consolidation of related federal securities law actions and the appointment of lead plaintiffs and lead counsel be addressed at the outset of such actions, 15 U.S.C. § 78u-4(a)(3)(B); and

WHEREAS, the parties wish to provide for a schedule for the filing of any amended complaint and the response thereto after these preliminary matters are addressed in accordance with the PSLRA.

IT IS HEREBY STIPULATED AND AGREED, by and between the parties to this action through their undersigned counsel, as follows:

1. The time for Plaintiff, or the individual or entity appointed lead plaintiff in accordance with 15 U.S.C. § 78u-4(a)(3), to file any amended complaint in this action is extended through and including sixty (60) days after entry of the Order appointing Lead Plaintiff and approving of selection of Lead Counsel.

2. Defendants Smithtown Bancorp. Inc., Bradley E. Rock, and Anita M. Florek (collectively "Defendants") time to answer, move or otherwise respond to the complaint in this action is extended through and including sixty (60) days after the service and filing of an amended complaint in this action.

3. In the event that the Defendants respond to the complaint or any amended complaint by motion, Plaintiff's time to answer motion is extended to sixty (60) days after the motion is served on Plaintiff, and Defendants' time to submit reply papers is extended to thirty (30) days after Plaintiff's service of answering submissions on Defendants.

4. Neither Defendants' entry into this Stipulation or Order nor any provision of this Stipulation and Order shall be construed as a waiver of, and defendants expressly reserve, any and all defenses, including without limitation any and all defenses related to jurisdiction or venue.

There has been no previous request for an extension of time in connection with this matter.

Dated: New York, New York
April 12, 2010

ROBBINS GELLER RUDMAN &
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Attorneys for Plaintiff

Attorneys for Defendants

SO ORDERED:

New York, NY
Date: _____

United States District Judge